



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA
October 28, 1999**

1. CALL TO ORDER.

- A. Roll Call - **9:30 AM.**
- B. Opening Prayer and Pledge of Allegiance.
- C. Remarks of the Chair:

The Board of County Commissioners has convened to consider the following applications for Future Land Use Map Amendments, Official Zoning Map Amendments, Conditional Uses, Planned Developments, Development Order Amendments, Waiver Requests, Status Reports for Compliance with Time Limitations and Conditions of Approval, and the recommendations of the Land Use Advisory Board and Zoning Commission pursuant to Chapter 163, Florida Statutes; Chapter 125, Florida Statutes; the Palm Beach County Comprehensive Plan; the Palm Beach County Unified Land Development Code; and other authority vested in the Board. This meeting is being held on October 28, 1999, at 9:30 AM, in the County Commission Chambers, 6th Floor, 301 North Olive Avenue, West Palm Beach, Florida.

- D. Proof of Publication.
- E. Swearing In.
- F. Motion to Adopt Agenda.
- G. Disclosure.

2. POSTPONEMENTS AND WITHDRAWALS

A. POSTPONEMENTS

- 1. **PDD/DOA
79-182(B)** Official Zoning Map Amendment to Planned Development District (PDD) and a Development Order Amendment (DOA) petition of Children's Home Society, by David Carpenter, Agent. Request: Rezoning from Residential Medium Density (RH) to Multiple Use Planned Development (MUPD). Request: Add land area, reconfigure site plan, re-designate land uses, add building square footage and

Congregate Living Facility, Type III (requested use). General Location: NW corner of Forest Hill Blvd. and Dalinda Ln. (**CHILDREN'S HOME SOCIETY**).

Page N/A

Size: 5.7 (affected) acres ±
9.87 (overall) acres ±

BCC District: 2

MOTION: To postpone to December 2, 1999. [Staff postponement].

2. **DOA 97-012(B)** Request for an appeal of Condition E.6 (traffic separator beautification) of Resolution ZR-99-11 approving the Development Order Amendment (DOA) petition of PBC BCC Dept of Airports, by Robert Bentz, Agent. General Location: North Side of Summit Blvd. and bound on the east by Congress Ave. and the west by Kirk Rd. (**PBIA GOLF COURSE - APPEAL**).

Page 1

Size: 4.12 (affected) acres ±
218.52 (overall) acres ±

BCC District: 2

Zoning Commission Recommendation: Approval, subject to conditions, (4-2)

MOTION: To postpone to December 2, 1999. [Requested by petitioner within five days]

3. **SR 89-53.6** Status Report for Resolutions R-90-62 and R-90-63 (Petition 89-53). Property owner: Lake Worth Turnpike Assoc. Inc. Location: northwest corner of Lake Worth Rd. and the Florida Turnpike. Current zoning: CG-General Commercial with a Special Exception for a Planned Commercial Development to include 1) an auto service station (no repairs); and 2) a car wash.

Pages 2-5

Size: 1.0 acre

BCC District: 6

Original Petitioner: Interchange Partners

MOTION: Postpone status report until January 6, 2000.

4. **SR 89-54.6** Status Report for Resolutions R-90-64 and R-90-65 (Petition 89-54). Property owner: Lake Worth Turnpike Assoc. Inc. Location: northwest corner of Lake Worth Rd. and the Florida Turnpike. Current zoning: CG-General Commercial with a Special Exception for 1) a hotel, and 2) an existing public and private utility service (telephone exchange building and substation).

Pages 6-9

Size: 4.5 acres

BCC District: 6

Original Petitioner: Lake Worth Turnpike Associates

MOTION: Postpone status report until January 6, 2000.

MOTION: To approve all postponements to dates indicated.

B. WITHDRAWALS

- END OF POSTPONEMENTS AND WITHDRAWALS -

3. CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. WARRANT LIST - Administrative matter not subject to public comment.

Page N/A

MOTION: To approve the warrant list.

C. REMANDS

5. PDD 99-036

Official Zoning Map Amendment to a Planned Development District (PDD) petition of Joe Fearnley, Trustee, by Richard Carlson, Agent. Request: Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD). General Location: SE corner of Military Trail and Coconut Ln. (**MILITARY/COCONUT WALGREENS**).

Page 10

Size: 4.02 acres ±

BCC District: 4

MOTION: To remand back to October 27, 1999 DRC.

D. PREVIOUSLY POSTPONED ZONING PETITIONS

6. DOA 80-212(H)

Development Order Amendment (DOA) petition of Pipers Glen Limited Partnership, by Joe Lelonek, Agent. Request: Modify/delete conditions in Resolution R-88-1213 and permit a single tenant user in excess of 10,000 square feet (requested use). General Location: NE corner of Pipers Glen Blvd. and Jog Rd. (**PIPERS GLEN COMMERCIAL**).

Pages 11-48

Size: 5.14 acres ±

BCC District: 5

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended, (5-0).

MOTION: To adopt a resolution approving the request for a Development Order Amendment (DOA) to delete conditions in Resolution R-88-1213 and permit a single tenant user in excess of 10,000 square feet.

E. ZONING PETITIONS - CONSENT

7. **Z99-038** Official Zoning Map Amendment (Z) petition of Randall & Susan Dyess, Beth Benvenuti, and John Reichard III, by Kevin McGinley, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Transitional (RT). General Location: Approx. 0.7 miles north of Forest Hill Blvd. on the west side of Florida Turnpike. (**BANYAN LAKES SUBDIVISION**).

Pages 49-62

Size: 4.54 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to voluntary commitments.

Zoning Commission Recommendation: Approved, as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Transitional (RT).

8. **Z/CA
99-045** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petition of Gateway Community Church, by Mark Seach, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Single Family (RS). Request: Church or place of worship. General Location: Approx. 0.4 miles north of Hypoluxo Rd. on the west side of Lawrence Rd. (**GATEWAY COMMUNITY CHURCH**).

Pages 63-83

Size: 5.3 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Single Family (RS).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a church or place of worship.

F. **RECEIVE AND FILE ZONING COMMISSION RESOLUTION**

9. **CR94-25** Corrective resolution for status report for Anthony Agrusa, Petition 94-25. (**NORTH COUNTY PLUMBING**) District #1

Pages 84-85

MOTION: To receive and file Zoning Resolution ZR-99-12.

G. **STATUS REPORTS - CONSENT**

10. **SR 92-47** Status Report for Resolution R-93-646 (Petition 92-47). Property owner: National Museum of Polo & Hall of Fame, Inc. Location: northwest corner of the intersection of Lake Worth Rd. and Lyons Rd. Current zoning: AR-Agricultural Residential with a Class A Conditional Use allowing an assembly, non-profit.

Pages 86-89

Size: 9.79 acres

BCC District: 6

Original Petitioner: Ropico Inc.

MOTION: To approve a time extension until May 27, 2001 to commence development of phase 2, and to adopt a resolution to amend conditions of approval (rezone property) in Resolution R-93-646.

11. **SR 74-83B** Status Report for Resolution R-93-3 (Petition 74-83(B)). Property owner: Palm Beach Cathedral Assembly of God, Inc. Location: west side of Roan Lane, approximately 500 feet north of Northlake Blvd. Current zoning: RM-Multiple Family Residential (Medium Density) with a Development Order Amendment to amend the site plan for a place of worship and accessory uses, including a day care center (165 children maximum).

Pages 90-93

Size: 4.27 acres

BCC District:1

Original Petitioner: Palm Beach Cathedral Assembly of God, Inc.

MOTION: To approve a time extension until August 28, 2001, for Resolution R-93-3

12. **SR 84-58D** Status Report for Resolution R-96-1192.1 (Petition 84-58(D)). Property owner: U-Haul Company of Florida. Location: south side of West Atlantic Ave., approximately 0.6 mile east of Jog Rd. Current zoning: CG-General Commercial with a Development Order Amendment to allow a self storage and vehicle rental (requested uses).

Pages 94-97

Size: 7.49 acres

BCC District:5

Original Petitioner: U-Haul Co. of Florida

MOTION: To approve a time extension until August 22, 2001, for Resolution R-96-1192.1

13. **SR 92-4.2** Status Report for Resolution R-92-947 (Petition 92-4). Property

owner: W.P.B. Co. of Jehovah's Witnesses, Inc. Location: northeast corner of the intersection of Belvedere Road and 75th Ave. North (Pike Rd.). Current zoning: RM-Multiple Family Residential (Medium Density) with a Special Exception to allow a place of worship and accessory structures.

Pages 98-101

Size: 2.8 acres

BCC District: 6

Original Petitioner: Armand Sousa

MOTION: To approve a time extension until July 7, 2001, for Resolution R-92-947

14. **SR 94-9.2** Status Report for Resolution R-94-950 (Petition 94-09). Property owner: Board of County Commissioners, Palm Beach County. Location: east side of Benoist Farms Rd. north of Southern Blvd. Current zoning: General Industrial.

Pages 102-105

Size: 7.15

BCC District:6

Original Petitioner: Audrey Wolf

MOTION: To exempt Resolution R-94-950 from further Section 5.8 review

15. **SR 95-31.3** Status Report for Resolution R-95-1115 (Petition 95-31). Property owner: Kirms Communications, Inc. Location: west side of Tall Pines Rd., approximately 0.1 mile north of Southern Blvd. Current zoning: Light Industrial.

Pages 106-109

Size: 0.74

BCC District: 6

Original Petitioner: Johnson Brothers Consolidated Waste, Inc.

MOTION: To approve a time extension until August 24, 2000, for Resolution R-95-1115.

H. ADMINISTRATIVE INQUIRY - PREM

16. **AI-99-14** Civic Site Cash-out for Brynteson Nursery (Petition 97-109)

Pages 110-112

I. CORRECTIVE RESOLUTIONS

17. **PDD99-035** Corrective Resolution: To correct Sign Conditions H.1.d and H.2.d of Resolution R-99-1614 (WOOLBRIGHT & JOG MUPD)

Pages 113-114

BCC District: 5

MOTION: To adopt a resolution to correct Sign Conditions H.1.d and H.2.d of Resolution R-99-1614.

18. **DOA 82-184(B)** Corrective Resolution: To correct Engineering Conditions E.1, E.3, E.4, K.1 and K.2 of Resolution R-99-1607 (GET READY, SET, GROW)

Pages 115-119

BCC District: 5

MOTION: To adopt a resolution to correct Engineering Conditions E.1, E.3, E.4, K.1 and K.2 of Resolution R-99-1607.

J. ABANDONMENT RESOLUTIONS

19. **SE81-063** Request: To revoke Resolution R-81-0873 approving a Special Exception to allow a Planned Commercial Development.

Page 120

BCC District: 2

MOTION: To adopt a resolution approving the Abandonment of Resolution R-81-0873.

20. **SE90-046** Request: To revoke Resolution R-91-0383 approving a Special Exception to allow a gasoline service station, convenience store and car wash.

Page 121

BCC District: 2

MOTION: To adopt a resolution approving the abandonment of Resolution R-91-0383.

MOTION: To approve all items on the Consent Agenda (as amended) and adopt resolutions affirming the applicable actions.

- END OF CONSENT AGENDA -

- START OF REGULAR AGENDA -

4. REGULAR AGENDA:

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORT

21. **CR 94-25.2** Status Report for Resolution Z-R-94-07 and Z-R-99-01 (Petition 94-25). Property owner: Anthony F. and Louann Agrusa. Location: north side of Northlake Blvd., approximately 300 feet east of Military Trail. Current zoning: General Commercial with a Class B Conditional Use allowing Building Supplies, Retail. (NORTH COUNTY PLUMBING)

Pages 122-141

Size: 0.26 acre

BCC District: 1

Original Petitioner: Anthony F. Agrusa

- MOTION:
- A. To approve a time extension until November 7, 1999, to comply with condition numbers 2, 3, 4, and 6 of Resolution Z-R-99-01.
 - B. To adopt a resolution to approve a development order amendment to amend conditions of approval (parking and hours of operation)
 - C. To authorize staff to take all necessary action to enforce the conditions of approval including but not limited to injunctive relief.
 - D. To direct Code Enforcement staff to cite the property owner for Unified Land Development Code violations, and failure to comply with condition number I.1. of Resolution Z-R-94-07 (recycling required).

C. SMALL SCALE LAND USE AMENDMENT

22. **99-SCA**
32 COM 1 Dr. John Humphries, by Kevin McGinley, Land Research

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Management, Inc. Small Scale Land Use Amendment (SCA): Amend land use from Low Residential, 3 units per acre (LR-3) to Commercial Low-Office, with an underlying 3 units per acre (CL-O/3). General Location: East side of State Road Alternate A-1-A, 600 feet north of Richard Road. **(HUMPHRIES 2)**

Pages 142-168

Size: 0.34 acre

BCC District:1

Staff Recommendation: Denial of the applicant's request for a future land use change from LR-3 to CL-O/3.

LPA Recommendation: Denial of the applicant's request for a future land use change from LR-3 to CL-O/3. (Vote 7-6).

MOTION: To deny the request for a future land use change from LR-3 to CL-O/3.

D. PREVIOUSLY POSTPONED CONCURRENT SMALL SCALE LAND USE AMENDMENT AND ZONING PETITION

23. **99-SCA**

26 COM 1

Bombay Holdings, Inc., by Kieran Kilday, Kilday & Associates, Inc. Small Scale Land Use Amendment (SCA): Amend land use from High Residential, 8 units per acre (HR-8) to Commercial High, with an underlying 8 units per acre (CH/8) with cross-hatching on 0.459 of an acre and Commercial High, with an underlying 8 units per acre on 0.488 of an acre. General Location: 250' west of Federal Highway (US 1) and approx. ½ mile north of PGA Boulevard, between Wheeler Road and Dillone Road. **(BOMBAY HOLDINGS 2)**

Pages 169-191

Size: 0.947 acre ±

BCC District: 1

Staff Recommendation: Approval of the requested future land use change from HR-8 to CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions.

LPA Recommendation: Approval of the requested future land use change from HR-8 to CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions. (Vote: 13-0).

MOTION: To approve the request for a future land use change from HR-8 to

REGULAR AGENDA

CH/8 with cross-hatching on 0.459 of an acre and CH/8 on 0.488 of an acre, subject to two conditions, and adopt an ordinance affirming that action.

24. **Z/COZ 99-046** Official Zoning Map Amendment (Z) petition of Bombay Holdings Inc., by Kilday & Associates, Agent. Request: Rezoning from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ). General Location: Approx. 0.5 mile north of PGA Blvd. on the west side of US Highway 1 (**BOMBAY PARKING**).

Pages 192-204

Size: 0.98 acres ±

BCC District: 1

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Residential High Density (RH) to General Commercial (CG) with a Conditional Overlay Zone (COZ).

E. PREVIOUSLY POSTPONED PUBLIC FACILITIES AGREEMENT AND ZONING PETITION

25. **PDD99-040** Public Facilities Agreement for Nautica Shores PUD

Pages 205-224

MOTION: To approve a Public Facilities Agreement for PDD99-040 (Nautica Shores PUD)

26. **PDD99-040** Official Zoning Map Amendment to a Planned Development District (PDD) petition of G. L. Homes of Florida, by Kilday & Associates, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Planned Unit Development (PUD). General Location: Approx. 1,400 feet south of Melaleuca Ln. on the west side of Haverhill Rd. extension (**NAUTICA SHORES PUD**).

Pages 225-267

Size: 120.0 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended, (5-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (PDD) from Agricultural Residential (AR) to Residential Planned Unit Development (PUD).

F. PREVIOUSLY POSTPONED ZONING PETITION

27. **Z/CA 99-033**

Official Zoning Map Amendment (Z) and Class A Conditional Use (CA) petition of Poupore Limited Family Partnership, by Joe Lelonek, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Transitional Suburban (RTS). Request: Daycare, general. General Location: SW corner of Lantana Rd. and Hagen Ranch Rd. **(KIDSTOWN LEARNING CENTER).**

Pages 268-287

Size: 2.09 acres ±

BCC District: 3

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Denial (6-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Transitional Suburban (RTS).

MOTION: To adopt a resolution approving the request to allow a general daycare.

G. ZONING PETITIONS

28. **Z/CA 99-049** Official Zoning Map Amendment (Z) and a Class A Conditional Use (CA) petition of Celebration Community Church, by Chuck Millar, Agent. Request: Rezoning from Agricultural Residential (AR) to Residential Transitional Suburban (RTS). Request: Church or place of worship. General Location: Approx. 500 feet west of Sansbury Way on the south side of Okeechobee Blvd. (**CELEBRATION CHURCH**).

Pages 288-303

Size: 19.56 acres ±

BCC District: 6

Staff Recommendation: Approval, subject to conditions.

Zoning Commission Recommendation: Approved, as amended, (7-0).

MOTION: To adopt a resolution approving the request for an Official Zoning Map Amendment (Z) from Agricultural Residential (AR) to Residential Transitional Suburban (RTS).

MOTION: To adopt a resolution approving the request for a Class A Conditional Use (CA) to allow a church or place of worship.

5. DIRECTOR COMMENTS.

A. ZONING DIRECTOR.

B. PLANNING DIRECTOR.

29. Request for Board Direction Regarding Consideration of Additional Segments of State Road 7 for CRALLS Designation in Amendment Round 99-2.

Pages 304-305

30. Request for Board Direction Regarding a Proposed Unified Land Development Code (ULDC) Revision to the Elderly Restriction for Voluntary Density Bonus (VDB) Developments.

Pages 306-308

C. COUNTY ENGINEER.

31. Request for Board Direction Regarding Traffic Separator Beautification Project.

(Under separate cover)

REGULAR AGENDA

6. COMMISSION COMMENTS.
7. ADJOURNMENT.